REMARKS

Examiner Paschall has rejected Claims 1-5, 13-39 under 35 U.S.C. § 103(a) as being unpatentable over Schow et al. Examiner Paschall states: "Note that teaching, evaluating and testing are set forth in Schow et al., and it is obvious that these controls ensure the quality of a workman performing the task. Note that the industry rules would have to be followed since Schow mentions working on US Naval vessels. Welding is taught and it would be obvious to include thermoplastic pipe in the types of welding. Note that during the testing, parameters are measured." Reconsideration of the rejection of these claims over Schow et al is requested.

It is important to keep in mind that Applicant's invention is a method and system for ensuring the qualification of an operator for performing tasks having established required standards (covered tasks). Schow is not concerned with a method of establishing qualification but is an arc welding simulator that is intended for teaching welding trainees how to make quality arc welds. Specifically, in Schow, a simulator provides immediate, discriminative feedback and a capacity for concentrated practice of the techniques of arc welding. Schow has a set up by which arc welding is performed and apparatus is provided for measuring the arc length, tracking and angle of the electrode. These characteristics are noted and when either one of these three measurements is beyond established limits, an error indication is given. By the use of counters by 212, 214, 218, the number of errors of arc length, tracking, and angle during a welding period are measured and indicated. By use of the system of Schow a student of welding can develop proficiency by repeated weldings to reduce the number of errors detected.

It is important to understand that Schow et al. teaches an operator motor skills required for arc welding. Schow does not make any effort to determine the qualification of a workman to follow proper procedures for performing a covered task.

Applicant's invention is completely different. Applicant is not concerned with the measurement of continuously employed motor skills.

It is imperative in comparing the subject matter of the claims of the present application with the teachings of Schow et al. to keep in mind that in Applicant's system the evaluation of a workman can be done at variable, selectable remote locations. This obviously is not true with Schow. Schow provides a system in a teaching set up—not in an actual practice environment. Schow would not be useful in evaluating the actual performance of a covered task to establish the qualification of a workman.

In short, Schow is for a completely different purpose that is, for teaching motor skills used in arc welding. That is all. Schow does not go beyond that and does not suggest any system for ensuring the qualification of the workman to follow proper procedures at selectable, remote locations or for documenting the qualification of a workman to follow established procedures in the performance of a covered task. For these reasons, there is no basis for rejecting Applicant's claims over Schow et al.

Examiner Paschall has also rejected the pending Claims 1-5 and 13-19 under 35 U.S.C. § 103(a) as being unpatentable over the teachings at Hobart Welding School. Examiner Paschall states, "Applicant should note that Hobart Welding School is very well known in the industry and a student there would be tested, trained and evaluated, with hands on testing. Industry standards for these covered tasks are taught vigorously there. It is obvious that the qualifications of a workman (student) would be ensured by such teachings at Hobart."

This is a strange and unusual basis for rejecting a United States Patent Application. No documentation, publication, catalogue materials, advertisements or any other text has been cited in support of this rejection. It is not clear whether Examiner Paschall makes the above statement based on his personal knowledge as a student or teacher at Hobart Welding School or if such statement is hearsay.

The examiner states that, "Applicant should note that Hobart Welding School is very well known in the industry..." Actually, the Applicant and the undersigned, have not heard of the

Hobart Welding School. Therefore, what goes on at the Hobart Welding School is not properly presented as a basis of rejecting the claims in this application. It is therefore respectfully requested that the rejection over the teachings (whatever they are) of the Hobart Welding School be withdrawn.

In the case of Verdegaal Bros. vs. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d, 1051 (Fed. Cir. 1987) the court held that a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in the prior art reference. In the present case, there is no suggestion that the Hobart Welding School provides "means for providing the hardware and software for performing covered tasks at selectable, remote locations," as required in Claim 1. Further, there is no suggestion that the Hobart Welding School has "means for evaluating the performance of a said covered task at said selectable location." Further, there is no indication that the Hobart Welding School provides a means for documenting the results of evaluation of a covered task.

Does the Hobart Welding School have facilities for conducting evaluations at remote locations? Obviously this is unknown from the statement made by Examiner Paschall in the rejection of Applicant's claims.

When evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. See In Re Dillon, 919 F2d. 688, 16 USPQ 2d 1897. Examiner Paschall has made no effort to apply the positively recited steps or elements of Applicant's claims to the very vague statement that the claims are unpatentable over the teachings at Hobart Welding School. It is sincerely believed that there is no basis for rejecting the claims over this vague statement.

A serious effort has been made to amend the claims to more clearly define the invention. The claims have not been amended in view of the prior art since it is sincerely believed that the prior art does not form a basis for rejecting the claims under 35 U.S.C. § 103(a), but the claims

have been amended only to make the claims more clear and understandable with the view of placing the case in condition for allowance, which is respectfully requested.

It is understood there is no fee due at this time. However, should a fee deficiency have occurred, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Respectfully submitted,

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